

SCHEDULE 9

Amendments to schedule 2 of the Criminal Legal Aid (Scotland) (Fees) Regulations 1989

PART II

FEES OF COUNSEL IN APPEAL PROCEEDINGS

CHAPTER 1

JUNIOR COUNSEL

		<i>Junior Leader</i>	<i>as Junior Alone</i>	<i>Junior with Leader</i>
1. Appeal against Sentence				
(a)	drafting Grounds or Note of Appeal against sentence	£84.46	£84.46	£84.46
(b)	written Submissions in Appeal against Sentence	£128.75	£103.00	£77.25
(c)	any hearing under sections 107 and 187 of the Criminal Procedure (Scotland) Act 1995 ⁽¹⁾ , including any consultation on the day of the appeal	£207.03	£154.50	£115.36
(d)	any hearing on appeal against sentence, including any consultation on the day of the appeal	£207.03	£154.50	£115.36
(e)	opinion (or note) on appeal against sentence (where not otherwise prescribed)	£77.25	£77.25	£77.25
2. Appeal by way of Bill of Suspension, Bill of Advocation or Stated Case				
(a)	drafting Bill of Suspension or Bill of Advocation or adjustment of Stated Case	£87.55– £273.98	£84.46– £206.00	£77.25– £154.50
(b)	appearance at any hearing on Stated Case, Bill of Suspension or Advocation	£345.05	£257.50	£192.61
(c)	opinion	£128.75	£128.75	£128.75
3. Appeal against Conviction or Conviction and Sentence				
(a)	drafting Grounds of Appeal against conviction or conviction and sentence	£257.50– £432.60	£206.00– £360.50	£144.20– £309.00

⁽¹⁾ 1995 c.46.

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		<i>Junior as Leader</i>	<i>Junior Alone</i>	<i>Junior with Leader</i>	
	(b)	written Submissions in Appeal against conviction or conviction and sentence	£257.50– £432.60	£206.00– £360.50	£144.20– £309.00
	(d)	Hearing on Appeal against conviction or conviction and sentence (to which paragraph 11C of the notes on the operation of schedule 2 does not apply)	£721.00– £1,121.67	£515.00– £849.75	£412.00– £643.75
	(da)	Hearing on appeal against conviction or conviction and sentence (to which paragraph 11C of the notes on the operation of schedule 2 applies)-			
	(i)	Where the hearing lasts fewer than 3 hours	£406.85	£360.50	£257.50
	(ii)	Where the hearing lasts more than 3 hours, but fewer than 6 hours	£481.01– £747.78	£344.02– £566.50	£275.01– £429.51
	(iii)	Where the hearing last 6 hours or more			
	(aa)	for each 6 hour period	£721.00– £1,121.67	£515.00– £849.75	£412.00– £643.75
	(ab)	for any remaining period of fewer than 3 hours	£406.85	£360.50	£257.50
	(ac)	for any remaining period of more than 3 hours	£481.01– £747.78	£344.02– £566.50	£275.01– £429.51
	(e)	opinion	£257.50– £412.00	£206.00– £360.50	£144.20– £309.00
4.	Appeal Hearing before a Full Bench (5 or more Judges)		£1,339.00	£1,030.00	£772.50
5.	Appeals in relation to Bail or Interim Liberation				
	(a)	all work in connection with an appeal relating to granting of bail or interim liberation, except (ab) or (b) below	£30.90	£30.90	£30.90
	(ab)	all work in connection with a continued diet in relation to such an appeal	£30.90	£30.90	£30.90
	(b)	all work in connection with an application for interim liberation before 3 judges	£144.20	£103.00	£77.25
6.	Appeals Conduct Other				

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		<i>Junior as Leader</i>	<i>Junior Alone</i>	<i>Junior with Leader</i>	
	(a)	hearing on petition to the Nobile Officium	£721.00- £1,121.67	£515.00- £849.75	£412.00- £643.75
	(b)	reference to the High Court (devolution issue)	£721.00- £1,121.67	£515.00- £849.75	£412.00- £643.75
	(c)	Appeal arising from pre-trial or continuing trial hearing	£721.00- £1,121.67	£515.00- £849.75	£412.00- £643.75
	(ca)	Appeal from the Sheriff Appeal Court to the High Court under section 194ZB(2) of the 1995 Act	£721.00- £1,121.67	£515.00- £849.75	£412.00- £643.75
	(cb)	referral from the Sheriff Appeal Court to the High Court under section 175A(3) of the 1995 Act	£721.00- £1,121.67	£515.00- £849.75	£412.00- £643.75
	(d)	opinion	£257.50- £412.00	£206.00- £360.50	£144.20- £309.00
6A.	Advising Hearing - Any hearing relative to proceedings of a type described in the preceding paragraphs held subsequent to the court making avizandum, if paragraph 11E of the notes on the operation of schedule 2—				
	(a)	applies	£370.80	£324.45	£231.75
	(b)	does not apply	£154.50	£154.50	£154.50
7.	Appeals Written Work Other				
	(a)	drafting Devolution or compatibility Minute	£154.50	£154.50	£154.50
	(b)	drafting Petition to the Nobile Officium	£231.75	£231.75	£231.75
	(c)	opinion in connection with an application under section 94(2A) of the Criminal Procedure (Scotland) Act 1995(4) (transcripts of record and documentary productions)	£51.50	£51.50	£51.50
8.	Consultations		£216.30	£189.52	£139.05
9.	Travel				
	Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken within Scotland, including travel to a Procurator Fiscal's office or elsewhere to view productions		£103.00	£103.00	£103.00

(2) Section 194ZB was inserted by Courts Reform (Scotland) Act 2014 (asp 18), section 119.

(3) Section 175A was inserted by Courts Reform (Scotland) Act 2014 (asp 18), section 120.

(4) Section 94(2A) was inserted by Criminal Justice (Scotland) Act 2003 (asp 7), section 65(b) and relevantly amended by S.S.I. 2012/272.

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	<i>Junior as Leader</i>	<i>Junior Alone</i>	<i>Junior with Leader</i>
Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken furth of Scotland	£206.00	£206.00	£206.00
10. Accommodation and associated subsistence			
Payment of necessary accommodation and associated subsistence per day	£103.00	£103.00	£103.00
11. Opinion where, in the circumstance mentioned in paragraph 11F of the notes on the operation of schedule 2, counsel concludes that there is no stateable case	£257.50– £824.00	£206.00– £721.00	£144.20– £618.00

CHAPTER 2
SENIOR COUNSEL

	Senior
1. Appeal against Sentence	
(a) drafting Grounds or Note of Appeal against sentence	£127.72
(b) written Submissions in Appeal against Sentence	£156.56
(c) any hearing under sections 107 and 187 of the Criminal Procedure (Scotland) Act 1995(5), including any consultation on the day of the appeal	£234.84
(d) any hearing on appeal against sentence, including any consultation on the day of the appeal	£234.84
(e) opinion (or note) on appeal against sentence (where not otherwise prescribed)	£117.42
2. Appeal by way of Bill of Suspension, Bill of Advocation or Stated Case	
(a) drafting Bill of Suspension or Bill of Advocation or adjustment of Stated Case	£127.72– £309.00
(b) appearance at any hearing on Stated Case, Bill of Suspension or Advocation	£404.79
(c) opinion	£193.13
3. Appeal against Conviction or Conviction and Sentence	
(a) drafting Grounds of Appeal against conviction or conviction and sentence	£257.50– £521.18
(b) written Submissions in Appeal against conviction or conviction and sentence	£257.50– £521.18

(5) 1995 c.46.

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	(d)	Hearing on Appeal against conviction or conviction and sentence (to which paragraph 11C of the notes on the operation of schedule 2 does not apply)	£927.00– £1,287.50
	(da)	Hearing on appeal against conviction or conviction and sentence (to which paragraph 11C of the notes on the operation of schedule 2 applies)-	
	(i)	Where the hearing lasts fewer than 3 hours	£463.50
	(ii)	Where the hearing lasts more than 3 hours, but fewer than 6 hours	£618.00– £859.02
	(iii)	Where the hearing last 6 hours or more—	
	(aa)	for each 6 hour period	£927.00– £1,287.50
	(ab)	for any remaining period of fewer than 3 hours	£463.50
	(ac)	for any remaining period of more than 3 hours	£618.00– £859.02
	(e)	opinion	£360.50– £721.00
4.	Appeal Hearing before a Full Bench (5 or more Judges)		£1,545.00
5.	Appeals in relation to Bail or Interim Liberation		
	(a)	all work in connection with an appeal relating to granting of bail or interim liberation, except (ab) or (b) below	£51.50
	(ab)	all work in connection with a continued diet in relation to such an appeal	£51.50
	(b)	all work in connection with an application for interim liberation before 3 judges	£154.50
6.	Appeals Conduct Other		
	(a)	hearing on petition to the Nobile Officium	£927.00– £1,287.50
	(b)	reference to the High Court (devolution issue)	£927.00– £1,287.50
	(c)	appeal arising from pre-trial or continuing trial hearing	£927.00– £1,287.50
	(ca)	Appeal from the Sheriff Appeal Court to the High Court under section 194ZB of the 1995 Act(6)	£927.00– £1,287.50
	(cb)	referral from the Sheriff Appeal Court to the High Court under section 175A of the 1995 Act(7)	£927.00– £1,287.50
	(d)	opinion	£360.50– £721.00

(6) Section 194ZB was inserted by Courts Reform (Scotland) Act 2014 (asp 18), section 119.

(7) Section 175A was inserted by Courts Reform (Scotland) Act 2014 (asp 18), section 120.

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6A.	Advising Hearing - Any hearing relative to proceedings of a type described in the preceding paragraphs held subsequent to the court making avizandum, if paragraph 11E of the notes on the operation of schedule 2—	
(a)	applies	£422.30
(b)	does not apply	£154.50
7.	Appeals Written Work Other	
(a)	drafting Devolution or compatibility Minute	£154.50
(b)	drafting Petition to the Nobile Officium	£231.75
(c)	opinion in connection with an application under section 94(2A) of the Criminal Procedure (Scotland) Act 1995 ⁽⁸⁾ (transcripts of record and documentary productions)	£51.50
8.	Consultations	£257.50
9.	Travel	
	Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken within Scotland, including travel to a Procurator Fiscal's office or elsewhere to view productions	£103.00
	Supplementary fee chargeable in addition to any of the above fees where necessary travel is undertaken furth of Scotland	£206.00
10.	Accommodation and associated subsistence	
	Payment of necessary accommodation and associated subsistence per day	£103.00
11.	Opinion where, in the circumstance mentioned in paragraph 11F of the notes on the operation of schedule 2, counsel concludes that there is no stateable case	£360.50– £1,442.00

⁽⁸⁾ Section 94(2A) was inserted by Criminal Justice (Scotland) Act 2003 (asp 7), section 65(b) and was relevantly amended by S.S.I. 2012/272.